

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

JACOB VASQUEZ, #1836138	§	
v.	§	CIVIL ACTION NO. 6:18cv21
JAMES K. GRAY, ET AL.	§	

ORDER OF DISMISSAL

Plaintiff Jacob M. Vasquez, an inmate currently confined at the Ellis Unit within the Texas Department of Criminal Justice, (TDCJ), is proceeding *pro se* and *in forma pauperis* in the above styled and numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On August 13, 2020, Judge Mitchell issued a Report, (Dkt. #43), recommending that Defendants' motion for summary judgment, (Dkt. #42), be granted and that Plaintiff's claims against both defendants be dismissed with prejudice. A copy of this Report was sent to Plaintiff at his address, with an acknowledgement card. The docket reflects that Plaintiff received a copy of the Report on September 4, 2020, (Dkt. #44). However, to date, no objections have been filed.

Because objections to Judge Mitchell's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the court has determined that the Report of the Magistrate Judge is correct. *See*

*United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

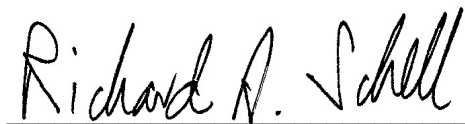
**ORDERED** that the Report of the United States Magistrate Judge, (Dkt. #43), is **ADOPTED** as the opinion of the court. Further, it is

**ORDERED** that Defendants' motion for summary judgment, (Dkt. #42), is **GRANTED** and all claims against Defendants are **DISMISSED**. It is also

**ORDERED** that the above-styled civil rights proceeding is **DISMISSED** with prejudice. Finally, it is

**ORDERED** that any and all motions which may be pending in this civil action are hereby **DENIED** as **MOOT**.

**SIGNED this the 24th day of September, 2020.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S".

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE